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IZUMI OHKUBO  
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8 UNITED STATES DISTRICT COURT  
9 NORTHERN DISTRICT OF CALIFORNIA  
10 SAN JOSE DIVISION

11 IZUMI OHKUBO,

12 Plaintiff,

13 vs.

14 ANTARA BIOSCIENCES, INC.,  
MARC R. LABGOLD and DANA  
15 ICHINOTSUBO,

16 Defendants.  
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Case No. C07 06354 JW

**DECLARATION OF IZUMI OHKUBO IN  
OPPOSITION TO MOTION TO DISMISS**

Date: April 14, 2008  
Time: 9:00 a.m.

Hon. James Ware

1 I, Izumi Ohkubo, declare as follows:

2 1. I am an individual residing in Tokyo, Japan and the plaintiff in this lawsuit. The  
3 matters set forth below are within my personal knowledge, and if called upon as a witness, I could  
4 and would testify competently thereto.

5 2. As plaintiff in this Action I am willing and agree to cooperate fully in discovery,  
6 including traveling to the United States to give a deposition if requested by the Defendants to do  
7 so. I will also be prepared to give testimony at any trial if necessary.

8 3. To the extent that any employees of my company, including Mr. Wataru  
9 Kominami, are requested to give testimony in this case, I will assure that they are available to  
10 come to the United States to do so.

11 4. I did not draft the Investment Contract, which is attached to the Complaint as  
12 Exhibit C. I am informed and believe that the Investment Contract was drafted by a  
13 representative of Antara.

14 5. When I signed the Investment Contract, it had not already been signed by Antara.

15 6. In my dealings with Toshiaki Suzuki, I always understood him to be acting on  
16 behalf of the Defendants, including Antara, Mr. Ichinotsubo and Dr. Labgold.

17 7. Before dealing with Defendants, I had never invested funds in a start up enterprise  
18 and did not fully understand the process. I trusted Defendants to deal fairly and honestly with me.

19 I declare under penalty of perjury under the laws of the United States that the foregoing is  
20 true and correct. Executed on March 19, 2008 at Tokyo, Japan.

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Izumi Ohkubo